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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/995,796	11/29/2001	Sharon Levy	P-3682-US	9162

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EXAMINER

MOISE, EMMANUEL LIONEL

ART UNIT PAPER NUMBER

2136

DATE MAILED: 12/16/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/995,796	Applicant(s) LEVY ET AL.	
	Examiner Emmanuel L. Moise	Art Unit 2136	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 August 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2-5 and 13-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 2-5 and 13-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Response to Amendment

1. This Office action is responsive to Applicant's amendment received on August 11, 2004. Claims 2-5 and 13-19 are pending. Claims 1 and 6-12 have been canceled.
2. After further review, it is noted that all pending claims should have been rejected over the prior art relied upon to reject some of the claims. The indicated allowability of claims 2-4 and 17-19 is therefore withdrawn. Rejections of claims 2-5 and 13-19 follow.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 2-5 are rejected under 35 U.S.C. 102(b) as being anticipated by Sharpe et al. (4,618,955, hereinafter "Sharpe").

As per claim 2, Sharpe teaches the claimed error detector comprising: an input port to receive encoded data and an error checking unit to identify an error detection bit within the encoded data and to determine whether the error detection bit is valid (column 2, lines 3-20). It can be implied that Sharpe teaches to determine whether the error detection bit is valid since in line 20, Sharpe teaches a 1-bit random error correction. Sharpe also teaches that the error detector comprises a data rate determination unit to determine the data rate of the encoded data (column 7, lines 25-27). If there is an acceptable and an unacceptable rate, it can be implied the data rate is inherently determined.

As per claim 3, Sharpe inherently teaches that the error checking unit uses an output of said data rate determination unit in identifying the error detection bit.

As per claim 4, Sharpe teaches that error detector identifies an error detection codeword within the encoded data (column 2, lines 3-7)

As per claim 5, Sharpe teaches that an error correction unit modifies the received data in accordance with a codeword within the encoded data (column 2, lines 3-7).

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

4. Claims 17 and 13-19 are rejected under 35 U.S.C. 102(e) as being anticipated by Brink (6,662,337).

As per claim 17, Brink teaches the claimed receiver comprising: an error detection unit

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to examine an error correction encoded data block for an error detection code bit, a demapper operatively connected to said error detector for receiving the output of the detector (column 3, line 64 – column 4, line 7). Brink also teaches that the receiver comprises a rate determination unit to determine the encoded data blocks data rate (column 2, lines 4-9). If there is an acceptable and an unacceptable rate, it can be implied the encoded data blocks data rate is inherently determined.

As per claim 13, Brink teaches that the error detection unit attempts to validate an identified error detection code bit (column 3, lines 58-60).

As per claim 14, Brink teaches an error correction unit that alters the encoded data block in accordance with the error detection code bit (column 3, lines 64-67).

As per claim 15, Brink teaches that the decoder decodes the encoded data (column 4, lines 3-14).

As per claim 16, Brink teaches that the decoder has error correction capabilities (column 1, lines 29-31).

As per claims 18 and 19, the claimed invention is well within the scope of Brink's transmission system and method since Brink's error detection unit is capable of receiving data rate information and examining the encoded data in accordance with the data rate information.


Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Emmanuel L. Moise whose telephone number is (571)272-3865. The examiner can normally be reached on M-W (9:30-6:00).

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz R. Sheikh can be reached on (571)272-3795. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Emmanuel L. Moise
Primary Examiner
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